PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4807-8—L.W. 156-51-3, Bangalore, dated 10th December 1952.

The draft of the following rules which are proposed to be made in exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and in supersession of the Workmen's Compensation Rules, 1920, issued in Notification No. D. 8914—I & C. 485-27-11, dated the 26th February 1929, No. D. 7674—I & C. 96-28-34, dated the 8th January 1930 and No. D. 3437—I. & C. 188-39-3, dated the 13th January 1940, is hereby published for the information of all persons likely to be affected thereby as required by section 34 of the said Act.

Notice is hereby given that the draft will be taken into consideration on or after the 1st April 1953.

Objections or suggestions, if any, to the draft rules may be forwarded through the Commissioner of Labour to the Secretary to Government, Law Department, Old Public Offices, Bangalore-1, for consideration so as to reach him before the said date.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

DRAFT WORKMEN'S COMPENSATION (MYSORE) RULES, 1952.

PRELIMINARY.

Short title. 1. These Rules may be called the Workmen's Compensation (Mysore) Rules, 1952.

Definition. 2. In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Workmen's Compensation Act, 1923.

(*b*) "Form" means form appended to these Rules.

(*c*) "Section" means a section of the Act.

PART I.

Review of half-monthly payments and commutation thereof.

When application may be made without Medical Certificate. 3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate,—

(*a*) by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased ;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished ;

(*c*) by the workman, on the ground that the employer having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation ;

(*d*) either by the employer or by the workman, on the ground that the determination of the rate of a

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compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(*e*) either by the employer or by the workman on ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lumpsum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue less one-half per cent of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation and Registration of Dependants.

Deposit under section 8(1).

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death

shall furnish therewith a statement in Form 1, and shall be given a receipt in Form 3.

In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form 2 and shall be given a receipt in Form 3.

(2) If when depositing compensation in respect of fatal accidents the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form 4.

Publication of lists of deposits.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

Application by dependants for deposits of compensation.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 9:

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules:

Provided that—

(*a*) The Commissioner may, at any time before issues are framed, cause notice to be given in such manner

as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Deposit under Section 8 (2).

9. An employer depositing compensation in accordance with sub-section (2) of Section 8 shall furnish therewith a statement in Form 5, and shall be given a receipt in Form 6.

Manner in which compensation may be invested under section 8.

10. Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank.

Dependants of the deceased workmen entitled to compensation.

11. Workmen coming under the operation of the Act may register with their employer, and with the Commissioner within those jurisdiction they are employed the names and addresses of their dependants within the meaning of section 2 (1)(*d*) and in an enquiry for the distribution of the compensation the Commissioner may, in the absence of any other claimant, presume that for the purposes of apportionment of compensation, the persons whose names have been so registered are the dependants of the deceased workman.

PART III.

Reports of Accidents.

Report of fatal accidents.

12. The report required by section 10-B, shall subject to such Rules, if any, as may be made by Government be in the Form 7.

Right of employer to present memorandum when information received.

13. (1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigations or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

Medical Examination.

Workman not to be required to submit to medical examination save in accordance with Rules.

14. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the Rules contained in this Part and not otherwise.

Examination when workman and Medical Practitioner are both on premises.

15. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified Medical Practitioner who is so present, the workman shall submit himself for examination forthwith.

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Examination in other cases.

16. In cases to which Rule 15 does not apply, the employer may—

(*a*) send the Medical Practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being required to do so by the Medical Practitioner, or

(*b*) send to the workman an offer in writing to have him examined free of charge by a qualified Medical Practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

Provided that—

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and

(ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

17. A workman who is in receipt of a half-month payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

18. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

Examination of women.

19. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

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(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

Introductory.

20. Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this Part.

Applications.

21. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

Production of documents.

22. (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Commissioner be admitted in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

Application presented to wrong Commissioner.

23. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he should send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party if he has received a copy of the application under Rule 27), accordingly.

(3) The Commissioner to whom the application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Examination of applicant.

24. (1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded, in the manner provided for the recording of evidence in section 25.

Summary dismissal of application.

25. The Commissioner may, after considering the application and the result of any examination of the applicant under Rule 24 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Preliminary inquiry into application.

26. If the application is not dismissed under Rule 25 the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party.

27. If the Commissioner does not dismiss the application under Rule 25, or Rule 26, he shall send to the party from whom the applicant claims relief (hereinafter

referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

Appearance and examination of opposite party.

28. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

Framing of issues.

29. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

30. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Diary.

31. The Commissioner shall maintain under his hand a brief diary of the proceedings on application.

Reasons for postponement to be recorded.

32. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

Judgment.

33. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issue framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or

arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses.

34. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

35. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which had they not been remitted, would have been due to be paid, may be added to the cost of the cases and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

36. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

37. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing and in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

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(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

Power of summary examination.

38. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by person examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

Agreement to abide by Commissioner's decision.

39. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Procedure where indemnity is claimed under Section 12 (2).

40. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 11.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings: in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form 12.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed

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in the notice in Form 12 or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

Procedure in connected cases.

41. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

Certain provisions of Code of Civil Procedure 1908 to apply.

Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, Rules 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI; Order XVII; and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that— 854

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(*b*) the Commissioner may, for sufficient reason proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

43. Any form other than a receipt for compensation which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Apportionment of compensation among dependants.

44. The provision of this Part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI.

TRANSFER.

Transfer for report.

45. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case so transferred for report shall not be required to report on any question of law.

Transmission of money.

46. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII.

APPOINTMENT OF REPRESENTATIVES.

When representative must be appointed.

47. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who

consents to the appointment, to represent such party for the purpose of the proceeding.

When new representative to be appointed.

48. If the Commissioner considers that the interests of any party for whom a representative has the appointed under Rule 47 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII.

Record of Memorandum of Agreement.

Form of Memorandum.

49. Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form 13 or Form 14 or Form 15, as the case may be.

Procedure where Commissioner does not consider that he should refuse to record memorandum.

50. (1) On receiving a memorandum of agreement, the Commissioner shall unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form 16 to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and if any party desiring the memorandum to be

recorded is not present, he shall send information to the party in Form 19.

Procedure where Commissioner considers he should refuse to record memorandum.

51. (1) If, on receiving a memorandum of agreement the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form 18 or Form 19 as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all such parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 50.

(*a*) If on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 17 to any party who did not receive information under sub-rule (1).

Procedure on refusal to record memoranda.

52. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lumpsum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record the estimate of the probable duration of the disablement of the workman.

53. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form 20 and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:— Registration of memorandum accepted for record.

"This Memorandum of Agreement bearing Serial No..... ..... of..... .....1905 .....in the Register has been recorded this.....day of.....

(Signature)

Commissioner."

PART IX.

Costs.

54. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing. Procedure when costs not follow the event.

55. The costs which may be awarded shall include— Costs to be awarded.

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistance money to witnesses; and

(*c*) pleader's fee on the scale prescribed in the following rule.

56. (*a*) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10. Pleader's fee.

The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(*b*) In all other applications the pleader's fee shall ordinarily be Rs. 5.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20.

57. When a party engages more Pleaders than one to conduct or defend a case he shall be allowed one set of costs only. Costs when more than one Pleader is engaged.

Apportionment of costs among several Respondents.

58. If several respondents, having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the Court shall apportion it among the several respondents in such manner as it may think fit.

When separate costs allowed.

59. If several respondents have separate and distinct defences to make, they may, if successful, be allowed separate costs, whether they are represented by separate Pleaders or not.

FEES.

Fees payable in respect of application.

60. The fees payable in respect of proceedings under the Act shall be as prescribed hereunder:—

I. Application for compensation—	
(*a*) Where compensation is claimed in the form of recurring payments under Class D of sub-section (1) of section 4.	Eight annas.
(*b*) Where compensation is claimed in the form of a lumpsum under Classes A, B or C of sub-section (1) of section 4.	(i) Where the sum claimed does not exceed Rs. 500, One Rupee; and (ii) Where the sum claimed exceeds Rs. 500, One Rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under Section 7—	
(*a*) Where it is by Agreement between the parties.	Eight Annas.
(*b*) In any other case	One Rupee.
III. Application for the deposit of Compensation—	
When presented under Section 8 (1) ...	Nil.
When presented under Section 8 (2) ... (In respect of each person to whom compensation is payable).	Eight annas.
IV. Application for apportionment of compensation under Section 8 (1).	One Rupee for each dependant.
V. Application for review—	
(*a*) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments under section 6 (2).	Eight annas.
(*b*) Where the half-monthly payments are sought to be converted into a lumpsum under Section 6 (2).	One Rupee.
(*c*) In all other cases.	One Rupee.

VI. Application for the registration of agreements—	
(*a*) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under Section 28 (1)	Nil.
(*b*) In any other case	Eight annas.
VII. Application to summon witnesses—	
(*a*) When the application is to summon a single witness.	Eight annas.
(*b*) When the application is to summon more than one witness.	Eight annas for the first witness and four annas for every subsequent witness.
VIII. Application for indemnification under section 13.	Three Rupees.
IX. Application for the recovery of compensation—	
(*a*) Under an order already passed by the Commissioner.	Eight annas.
(*b*) In all other cases	The same fee as is payable on a similar application for compensation.
X. All applications not otherwise provided for.	Eight annas.

When application may be without fee.

61. In the case of any application falling under head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee.

When applicant is required to deposit further fee.

Where the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid.

Manner of collecting fees.

63. All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act.

Registers to be maintained by the Commissioner.

64. The following registers shall be maintained by the Commissioner:—

(1) A register in Form 1 of application for the settlement of any matter filed before the Commissioner;

(2) A register in Form 2 of *sub-poena* applications filed before the Commissioner;

(3) A register in Form 3 of processes delivered for service on parties;

(4) A register in Form 4 of Court Fees on all applications filed before the Commissioner;

(5) A register in Form 5 of deposits received from and re-payments made to parties;

(6) A register in Form 6 of miscellaneous applications filed before the Commissioner; and

(7) A register in Form 7 showing the receipt and disposal of application for copies of records.

65. (1) All applications presented to the Commissioner shall be headed with a cause-title as in Form 28.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause-title as in Form 29.

Particulars to be furnished in the application.

66. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form 30 and need not be repeated in the subsequent proceedings in the same application or petition.

List of documents filed.

67. Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form 31 or a statement signed, as aforesaid, that no document is filed therewith.

Manner of presenting applications.

68. All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipts by registered post, and if proceedings are thereby instituted shall insert the serial number.

Right of party to inspect and obtain copy of document.

69. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government or in these rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

70. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court, or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form 32 specifying the proceedings or record of which inspection or copy is required. Procedure for inspecting and obtaining copy of documents.

71. An application for inspection or copies of records or documents of, or in the custody of a Court other than records or documents filed in an application or proceeding or matter to which the applicant is a party shall be made in Form 32 and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record or document to the case of the applicant. Form of application for inspection of documents.

The Court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary. Discretion of Court to grant copies, etc.

72. When a person is entitled to inspect a proceeding or document, the search therefor shall be made by the officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required, but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceedings or document or any part thereof or to make extracts therefrom. Procedure in inspecting documents.

73. All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein. Certification of copies of documents.

Endorsements of copies of documents.

74. Every copy shall bear an endorsement showing the following dates:—

(1) application made;
(2) stamp papers or charges called for;
(3) stamp papers or charges deposed;
(4) copy ready; and
(5) copy delivered or posted.

Fees payable to be in stamp paper.

75. (1) One stamp paper of the value of two annas shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular words with short suffixes and inflections shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash:

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

Procedure on receipt of application for grant of copies.

76. (1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp paper or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so requires by a registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpollations

therein, he shall do so in open Court at the hearing of the application.

Form of notice by the Commissioner.

77. (1) The notice sent by the Commissioner under sub-section (1) of section 10-A shall be in Form 39 and shall be accompanied by a copy of Form 40.

Notice Books maintained by establishments.

78. Notice books in Form 41 shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed :—

(*a*) Textile Mills.
(*b*) Jute Mills.
(*c*) Railway Workshops.
(*d*) Distilleries.

PART X.

SILICOSIS.

Industries to which these rules are applicable.

79. (*a*) The rules in this chapter apply to all industries specified in Schedule A of these rules. The Government may from time to time add to or vary the schedule.

(*b*) They shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

Definition.

80. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Initial Examination" means examination prescribed under Rule 87 (*a*) of the rules.

(*b*) "Periodical Examination" means examination prescribed under Rule 87 (*d*) of these rules.

(*c*) "Examiner" means Registered Medical Practitioner whose name appears in the list published by Government in the Official Gazette as prescribed in Rule 84 of these rules.

(*d*) "Mining" as specified in Schedule A of these rules shall be construed as a reference to underground work or employment beneath the surface: to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample crushing room or assay office or on any tailings dump.

Meaning of Silicosis.

81. For the purpose of these Rules, Silicosis shall mean Silicosis of the lungs.

Several stages of Silicosis.

82. A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis,—

(*a*) In the ante-primary stage, when it is found on Medical and Radiological Examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis.

(*b*) In the *Primary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been impaired by that disease though not seriously and permanently.

(*c*) In the *Secondary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

(*d*) Silicosis with active Tuberculosis is equivalent to the secondary stage.

Application for compensation.

83. (*a*) Every workman who desires the grant of compensation under these rules, shall apply to the Commissioner in whose jurisdiction he resides in Form 33 in duplicate.

(*b*) Application for compensation by dependants shall be made in Form 34 and shall be transmitted in duplicate to the Commissioner.

Empowering Medical Practitioners to carry out examination, etc.

84. *Medical Examination.*—The Government shall under these rules publish, from time to time, in the Official Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

Ex-Officio Medical Examiners.

85. Government may also appoint Medical Officers in service as *Ex-Officio* Examiners for the purposes of examination and issue of certificates.

Establishment of Medical Bereau.

86. (*a*) Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the diseases of the lungs and respiratory organs : and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these rules, refer the case to the Bureau.

(*b*) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

87. (*a*) Any applicant desiring to work in any of the industries specified in Schedule A, after these rules have come into force, shall submit himself to a Medical Examination by an examiner before whom he shall be caused to appear by the employer. Medical Examination of applicant for work.

(*b*) The examiner shall make such examination (including stethoscope examination) of the applicant as will enable him to fill in correctly the initial certificate in Form 35 that he is free from any disease of the lungs and respiratory organs and is, in other respects, physically fit for the work for which a certificate is sought.

(*c*) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(*d*) After the initial examination, every workman shall be brought before an examiner by the employer for Medical Examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.

(*e*) After every examination subsequent to the initial examination, a certificate in Form 36 stating that the workman is not suffering from Silicosis or a certificate in Form 37 stating that the workman is suffering from Silicosis and in what stage, shall be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

88. (*a*) Every workman who is already in service at the time of these rules coming into force, if he desires to become eligible for the benefits under these rules, shall be duly medically examined by an examiner before whom he will be caused to appear by the employer and if found suffering from Silicosis as defined in Rule 82, he shall be entitled to compensation as provided for in the Act. When workman already in service entitled to compensation.

(*b*) If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the rules, provided that he reports himself for examination without delay, on being notified subsequently by the employer, of a date and hour on which the examination will be carried out. When workman is deemed to have been medically examined.

89. (*a*) Wherever the Commissioner considers it necessary to be satisfied by post-mortem examination whether a deceased workman had Silicosis and having Post-mortem Examination for Silicosis.

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obtained the previous consent of the legal representatives of the deceased, to the performance of such post-mortem examination, he may request any Government Medical Officer, to conduct such an examination and send him a copy of Form 38 to be filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

SCHEDULE 'A'

[*See note above Form* 1]

Industries involving exposure to the risk of Silicosis.

1. Mining—Gold.
2. Porcelain and Pottery Industries
3. Cement Industry
4. Glass Industry
5. China Clay and Talc Industries
6. Sandstone Industry
7. Quarrying or Crushing or Cutting of Stones
8. Manufacture of Bricks and Tiles
9. Foundries and Metal Works.

FORM 1.

(*See Rule* 6 (1).

Deposit of Compensation for Fatal Accident.

[Section 8 (1) of the Workmen's Compensation Act].

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of workman, whose particulars are given below, which occurred on.....

Name.....

Father's name.....

(Husband's name in case of married woman or widow).

Caste.....

Local Address.....

Permanent Address.....

His / Her ——monthly wages are estimated at Rs.....He was over / under ——the age of 15 years at the time of his / her ——death.

2. The said workman has, prior to the date of his / her ——death received the following payments as compensation for disablement, namely:—

Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....

amounting in all to Rs.....

3. An advance of Rs..... has been made on account of compensation to ..... being his / her ——dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....

Date ..... 195 . Employer.

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FORM 2.

[*See Rule* 6 (1).]

Deposit of Compensation for non-fatal accident to a woman or person under legal disability.

[Section 8 (1) of the Workmen's Compensation Act].

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by ..... residing at ..... on ..... 195 resulting in the loss of—temporary disablement. His/Her monthly wages are estimated at Rs ..... He/She was over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....

.....

Date ..... 195 . Employer.

FORM 3.

[*See Rule* (6)]

Receipt and Compensation.

[Deposited under Section 8 (1) of the Workmen's Compensation Act, 1923].

Book No. Receipt No. Register No.

Depositor..... .....

Deceased Workman.....

Date of deposit ..... 195 .

Sum deposited Rs.....

.....

Commissioner.

FORM 4. 869

(*See Rule* 6).

Statement of Disbursements.

[Section 8 (4) of the Workmen's Compensation Act, 1923].

Serial No.....

Depositor.....

Date.

		Rs.
	Amount deposited	
	Funeral expenses paid	
	Compensation paid to the following dependants Name Relationship	
	Total	

.....

Date.....19 . Commissioner.

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FORM 5.

(*See Rule* 9).

Deposit of Compensation for Non-fatal Accidents.

[Section 8 (2) of the Workmen's Compensation Act, 1923].

Compensation amounting to Rs... ..... is hereby presented for deposit in respect of ——— injuries sustained by .....residing at ..... which occurred on ..... 195 .

permanent / temporary

.....

Date ....19 . Employer.

FORM 6.

(*See Rule* 9).

Receipt for Compensation.

[Deposited under Section 8 (2) of the Workmen's Compensation Act, 1923].

Book No. Receipt No. Register No.

Depositor.....

In favour of.....

Date of deposit.....195 .

Sum deposited Rs.....

.....

Commissioner.

FORM 7. 871

(*See Rule* 12).

Report of Fatal Accidents.

To.....

Sir,

I have the honour to submit the following report of an accident which occurred on ..... (date), at ..... (here enter details of premises)..... ... and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstance attending the death of the workman/workmen were as under:—

(*a*) Time of the accident.

(*b*) Place where the accident occurred.

(*c*) Manner in which deceased was/were employed at the time.

(*d*) Cause of the accident.

(*e*) Any other relevant particulars.

Yours faithfully.

.....

Signature and designation of person making the report.

STATEMENT.

Name	Sex	Age	Nature of employment	Full Postal address
(1)	(2)	(3)	(4)	(5)

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FORM 8.

[*See Rule* 21].

APPLICATION FOR COMPENSATION BY WORKMAN.

To

The Commissioner for Workmen's Compensation.

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of .....195 .....received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

.....

(2) the applicant sustained the following injuries, namely :—

.....

.....

(3) the monthly wages of the applicant amounted to Rs..... .... the applicant is over/under the age of 15 years.

*(4) (*a*) Notice of the accident was not served on the..... .....day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

(5) the applicant is accordingly entitled to receive :—

(*a*) half-monthly payments of Rs..... from the..... day of.....195 .....to.....

(*b*) a lumpsum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement, by agreement, namely.....

.....

but it has proved impossible to settle the questions in dispute because

.....

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) Whether the applicant is a workman within the meaning of the Act;

(*b*) Whether the accident arose out of and in the course of the applicant's employment;

(*c*) Whether the amount of compensation claimed is due, or any part of that amount;

(*d*) Whether the opposite party is liable to pay such compensation as is due.

.....

Dated the..... Applicant.

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FORM 9.

[SEE RULE 21].

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To—The Commissioner for Workmen's Compensation.

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1).....a workman employed by (a contractor with) the opposite party on the..... day of.....195 .....received personal injury by accident arising out of and in the course of his employment resulting in his death on the..... .....day of.....195 .

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

(2) The applicant (s) is a/are dependant (s) of the deceased workman, being his.....

(3) The monthly wages of the deceased amount to Rs..... The deceased was over/under the age of 15 years at the time of his death.

*(4) (*a*) Notice of the accident was served on the..... day of .....195 .

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

.....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant (s) is/are accordingly entitled to receive a lumpsum payment of Rs.....

(7) The applicant (s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

*You are therefore requested to determine the following questions in dispute, namely—

(*a*) whether the deceased was a workman within the meaning of the Act.

(*b*) whether the accident arose out of and in the course of the deceased's employment.

(*c*) whether the amount of compensation claimed is due, or any part of that amount,

(*d*) whether the opposite party is liable to pay such compensation as is due.

whether the applicant (s) is a/are dependant (s) of the deceased.

(*f*) how the compensation, when deposited, should be distributed.

(*g*) etc.. (as required).

.....Applicant

Date.....

*Strike out the clauses which are not applicable.

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FORM 10.

[SEE RULE 21]

APPLICATION FOR COMMUTATION.

(Under Section 7 of the Workmen's Compensation Act, 1923).

To—The Commissioner for Workmen's Compensation.

.....

residing at.....applicant.

Versus

.....

residing at.....opposite party.

It is hereby submitted that—

(1) The applicant/opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablements by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (*a*) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(*b*) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(*a*) directing that the right to receive half-monthly payments should be redeemed.

(*b*) fixing a sum for the redemption of the right to receive half-monthly payments.

.....Applicant.

Date.....

FORM 11.

[SEE RULE 40]

NOTICE.

Whereas a claim for compensation has been made by..... applicant against.....and the said..... has claimed that you are liable under Section 12(2) of the Workmen's Compensation Act, 1928, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on ....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party, in default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....

Commissioner.

Date.....19

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FORM 12.

NOTICE.

Whereas a claim for compensation has been made by .....
.....applicant, against.....and
the said.....has claimed that.....
.....is liable under Section 12 (2) of the Workmen's Compensation Act, to indemnify him against any claim, and whereas the said.....on notice served has claimed that you.....stand to him to the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... your liability to indemnify the opposite party..... for any compensation recovered for him.

.....

Commissioner.

Date.....*19*

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FORM 13.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the ..... day of..... .....195 , personal injury was caused to..... .....residing at.....by accident arising out of and in the course of employment in..... .....The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than his previous / any wages for a period of.....months. The said workman has been in receipt of half-monthly payments which have continued from the.....day of.....195 , until the .....day of .....195 . amounting to Rs.....in all. The said workman's monthly wages are estimated at Rs. ..... The workman is over the age of 15 years / will reach the age of 15 years on

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. .....in full settlement of all and every claim under the Workmen's Compensation Act, 1928, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated..... .....

Signature of employer.....

Witness .....

Signature of workman .....

Witness .....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party as agreed to the terms. But both signature should be appended whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....

.....Workman.

Date.....*19*

The money has been paid and this receipt signed in my presence.

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

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FORM 14.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of.....
.....19 , personal injury was caused to.....
residing at.....by accident arising out of and in the
course of his employment in.....
.....
The said injury has resulted in permanent disablement to the said workman of the following nature, namely.....
The said workman's monthly wages are estimated at Rs. .....
.....The workman is $\frac{\text{over the age of 15 years}}{\text{will reach the age of 15 years on}}$
The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs. ..... on.....Rs. .....on .....
Rs. .....on.....Rs. .....on .....
Rs. ... .on.....Rs. .....on .....

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.
Dated.....

Signature of employer.....
Witness .....

Signature of Workmen.....
Witness .....

NOTE.—An application to register an agreement can be pressed under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....

.....Workman.

Date.....

The money has been paid and this receipt signed in any presence.

.....

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

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FORM 15.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... ..... day of ....19 .....personal injury was caused to.....residing at ..... by accident arising out of and in the course of employment in..... ....The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of..... .... Wages amounting to Rs..... .....per month, no wages

The said workman's monthly wages prior to the accident are estimated at Rs. ....The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employer of the workman has agreed to pay and ....on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. .....for the period of the said temporary disablement. This agreement is subject to the condition that the amount of half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are un-affected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....195 .

Signature of employer.....

Witness .....

Signature of workman.....

Witness .....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....Workman.

Date.....19 .

This money has been paid and this receipt signed in my presence.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, etc.

FORM 16.

(*See Rule* 50).

Whereas an agreement to pay compensation is said to have been reached between.....,.....and.....and whereas.....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

....

Date.....*19* *Commissioner.*

FORM 17.

(*See Rules* 50 *and* 51.)

Take notice that registration of the agreement to pay compensation said to have been reached between you..... ....and on the.....19 , has been refused for the following reasons, namely :—

.....

.....

Date.....*19* *Commissioner.*

FORM 18.

(*See Rule* 47).

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas .....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

.....

an opportunity will be afforded to you of showing cause on..... .....19 . why the said agreement should be registered. If not adequate cause is shown on that date, registration of the agreement will be refused.

.....

Date.....*19* *Commissioner.*

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FORM 19.

(*See Rule* 51).

Whereas an agreement to pay compensation is said to have been reached between .....and..... whereas has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

....

an opportunity will be afforded to the said.....
of showing cause on.....19 ....
why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

.....

Date.....*19* . *Commissioner.*

FORM 20.

(*See Rule* 53).

Register of Agreements for the year 19

Serial No.	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the registration.
1	2	3	4	5	6	7

.....

Date.....*19* . *Commissioner.*

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FORM 21.

(*See Rule* 64).

Register of applications of the settlement of any matter under the Workmen's Compensation Act, XIV of 1928, in the year .....

(1) Date of presentation or receipt of application.
(2) Number of application.
(3) Name
(4) Description } of applicant.
(5) Address
(6) Name
(7) Description } of the opposite party.
(8) Address
(9) Particulars
(10) Amount of value } of claim.
(11) When the cause of action accrued

Appearance—

(12) Applicant
(13) Opposite party } Day for parties to appear.

(14) Date
(15) For whom
(16) For what or amount } Judgment.

(17) Date of decision
(18) Judgment in
(19) Date of application
(20) Date of order
(21) Against whom
(22) For what
(23) Amount, if any
(24) Amount of costs } Execution.

(25) Amount paid into Court
(26) Minute of other return than payment and date of every return. } Return of execution.

NOTE.—Where there are numerous applications or numerous opposite parties the name of the first applicant or the first opposite party, only as the case may be, need be entered in the register.

FORM 22.

(*See Rule* 64).

Register of *sub poena* applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number and date of receipt.	Settlement application number	Applicant's name	Applicant's position in the settlement application	Process fees		Checking Officer's initials	Date of hearing	Date of issue	Names of witnesses	Batta deposited	To whom delivered for service and date of payment	Mode of service	Unexpected Batta		Date of payment to Treasurer and his initials	Remarks
													Date of return	Amount		
1	2	3	4	5		6	7	8	9	10	11	12	13	14	15	16
				Rs.	A.									Rs. A.		

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FORM 23.

(*See Rule No.* 64).

Register of Processes delivered for Service.

Serial No.	Settlement application number	Nature of process	Number of copies	Date of delivery for service	Returnable date	When returned	Mode of Service		Initials of Clerk	Remarks
							Served	Unserved		
1	2	3	4	5	6	7	8	9	10	11

FORM 24.

(*See Rule No.* 64).

Register of Court fees on applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number	Settlement application number	Nature of application	Court fee		Process fees		Search fees		Remarks
1	2	3	4		5		6		7
			Rs.	a.	Rs.	a.	Rs.	a.	

FORM 25.

(*See Rule* 64).

Register of deposits received from and re-payments made to parties.

Receipts.—

(1) Date
(2) Number of each deposit.
(3) Reference to application.
(4) From whom received and position of depositor.
(5) Nature of each deposit.
(6) Amount of each deposit.
(7) Initials of the Chief Ministerial Officer.

Re-payments.—

(8) Date.
(9) To whom and position of recipient.
(10) Reference to and date of Commissioner's Order ordering re-payment.
(11) Amount and whether paid in cash or by cheques.
(12) Initials of the Chief Ministerial Officer.

FORM 26.

(*See Rule No.* 64).

Statement showing the number of Miscellaneous applications filed in the Court of the Commissioner for Workmen's Compensation.—

Serial number	Application number	Date of file	Nature of applications	Date of hearing	Date of disposal	Orders
1	2	3	4	5	6	

FORM 27.

(*See Rule 64*).

Register showing the receipt and disposal of applications for copies in the Court of the Commissioner for Workmen's Compensation.

Month and date	General Number	No. of Application	Name of applicant	Description of paper	Charges			Given to Copyist		Given to Examiner		Copy ready			Date of delivery of copy and return of unused stamps	Signature of Applicant
					When called for	When deposited	No. of stamps	Date	Initials	Date	Initials	Date	Number of Stamps			
													Used	Not used		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

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FORM 28.

(*See Rule* 65).

CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and (2) T. Sivaswami ... *Applicants.*

And

(1) M. Muniswami Pillai and (2) M. Ramaswami Pillai... *Opposite parties.*

FORM 29.

[*See Rule* 65 (2).]

SHORT CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and five others ... ...*Applicants.*

And

(2) M. Muniswami Pillai and four others ... *Opposite parties.*

FORM 30.

(*See Rule* 66)

(CAUSE TITLE.)

Application.

The abovenamed applicants state as follows :—

(1) T. Ramaswami Chetti, the first applicant is a workman and resides at.....

(2) .....

The address of the applicants for service of all notices and process is.....

2. M. Muniswami Pillai, the first named opposite party is the employer of.....and resides at.....

3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs).

4. The applicants estimate value of the relief sought by them at the sum of Rs.....

5. The applicants pray that.....

(*a*) Set out reliefs claimed in successive paragraphs).

(Sd.) T. RAMASWAMI CHETTI.

FORM 31.

(*See Rule* 67).

List of Documents under Rule..... .....

(CAUSE TITLE).

Serial No.	Date, if any, of document in Vernacular and in English.	Parties to the document	Description of document
1	2	3	4

Signed..... .....

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM 32.

(*See Rules* 70 *and* 71).

FORM OF APPLICATION FOR SEARCH OF RECORDS.

To

The Commissioner for Workmen's Compensation.....

The undersigned hereby applies for inspection.

Name and address of applicant in full	Description of records as far as possible	Whether copy or inscription is required	Purpose for which inspection or copy is required	Order of Court, if any, under which application is made

Dated... .....19 Signature of Applicant.

FORM 33.

THE WORKMEN'S COMPENSATION RULES.

Application for Payment of Compensation.

I, the undermentioned workman, hereby apply, under the Workmen's Compensation Rules, for compensation for Silicosis contracted in the course of my employment.—

1. Name in full ... ...
2. Address in full ... ...
3. Names and addresses and relationship of dependants. .....
4. Name of the employer under whom the workman worked last with record of service. .....
5. Particulars of earnings ... .
6. Particulars of claim ... .

I hereby declare that what is stated above is correct.

To Signature of the applicant

The Commissioner for Workmen's Compensation,
.....District,
.....

FORM 34.

THE WORKMEN'S COMPENSATION RULES.

Application for Compensation by a Dependant.

I, or we, the dependant or dependants of the deceased workman named.....an employee in the..... (name of the concern or firm) apply for compensation for Silicosis contracted by the workman in the course of his employment and as a result of which he died.

1. Name(s) of dependant(s) in full ... .
2. Address ... ...
3. Age ... ...
4. Relationship to the deceased workman .....
5. Occupation ... ...
6. Particulars of earnings ... .
7. Particulars of claim ... ...
8. Name of the deceased workman in full with name of last employer and record of service thereunder. .....
9. Date of his death ... ...
10. Cause of his death (Post-mortem certificate to be attached). .....

I/We hereby declare that I am/we are the..... of the late.....and the statements contained in the above application form are true and correct.

Signature (s) of the applicant (s).

FORM 35.

THE WORKMEN'S COMPENSATION RULES.

Initial Certificate.

(Issued without alteration).

Expires..... Name of concern or firm.....

Name in full.....Address.....

This is to certify that the abovenamed applicant on the ....day of.....195.....underwent the examination prescribed by Rule 85 (a) of the Workmen's Compensation Rules of 195..., and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'

Signature or left thumb impression of applicant.

Marks of identification:—

(1)

(2)

Place.....
Date.....

Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

FORM 36.

THE WORKMEN'S COMPENSATION RULES.

Periodical Certificate.

(Issued without alteration).

Name in full ..... Expires on.....

Address .....

This is to certify that the abovenamed workman on the .... day of ..... 19 , underwent medical examination prescribed by Rule 85 (d) of the Workmen's Compensation Rules and that he was not then suffering from Silicosis.

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and will be of no effect after that date.

FORM 37.

THE WORKMEN'S COMPENSATION RULES

(Issued without alteration)

Expires on .....

Name in full ....

Address ....

This is to certify that the abovenamed workman on the ....day .... 195 , underwent medical examination prescribed by Rule 85 (d) of the Mysore Workmen's Compensation Rules and that he was then suffering from Silicosis.

(State stage).

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and will be of no effect after that date.

FORM 38.

THE WORKMEN'S COMPENSATION RULES.

Report of Post-mortem Examination.

I have this day at ... . made a post-mortem examination on a body.

Name .....

Address .....

Designation .....

and as a result of my examination I find (here state what diseases were found to be present)

and I certify that the cause of death was .....

.....

and the deceased was (not) at the time of his death suffering from Silicosis ..... or ..... that Silicosis was (not) present as a contributing or ..... pre-disposing factory or cause of his death .... or ... . that Silicosis was a contributing but not a pre-disposing cause of his death ..... or ..... that Silicosis was a pre-disposing but not a contributing cause of his death. (If silicosis were present as contributing or a pre-disposing cause of death, state the condition found in the organs stated below and comply with the provision of Rule 87 printed below).

Hilar Glands

Pleura ... { Right / Left

Lungs ... { Right / Left

Any abnormalities in other organs.

Address .....

Dated .....

Medical Practitioner.

N.B.—1. Strike out inapplicable clauses and attest.

87. (*a*) Whenever the Commissioner considers it necessary to be satisfied by post-mortem examinations whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased, to the performance of such post-mortem examination, he may request any Government medical officer to conduct such an examination and send him a copy of Form 38 to be

filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

FORM 39.

Whereas I have received information that*.....
a workman employed by you in at †.....
has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under Section 10-A-(2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

*Insert name of workman. †Insert name of establishment.

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FORM 40.

In reply to your notice, dated the .....19 , which was received by me on the ..... 19 , it is submitted that *..... residing at .... a workman over/under 15 years of age employed in † .... met with an accident on the .....19 , as a result of which he died on the .....19 . The monthly wages of the deceased amounted to Rs. .....

2. The circumstances in which the deceased met his death were as follows :—

(One of these paragraphs to be struck out.)

3. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. ..... which was/will be deposited with you on/before the .....19 .

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :—

5. The name and addresses of the dependants of the deceased so far as known to me are :—

.....

EMPLOYER.

*Insert name of workman. † Insert name of establishment.

FORM 41.

Form of Notice Book required to be maintained under Section 10 (3) of the Workmen's Compensation Act, 1923.

Date of accident and time, if known	Name of workman injured	Address of workman injured	Cause of injury	Date and time of notice	Thumb impression or signature of person giving notice
1	2	3	4	5	6

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.